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EXAMINER

BALASUBRAMANIAN, VENKATARAMAN

ART UNIT	PAPER NUMBER
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1624

NOTIFICATION DATE	DELIVERY MODE
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10/07/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ADVISORY ACTION

The applicants' response, which is a second response, filed 09/12/2010 under 37 CFR 1.116 in reply to the final rejection made on 05/21/2010 is considered but it is not entered as the amendment to claims does not place the application in condition for allowance for following reasons.

In response to Final rejection made on 05/21/2010, applicant filed an After-Final response, cancelling all pending claims 1-49 and adding new claims 50-67. Examiner did not enter these claims and provided the following reasons:

Although cancellation of claims 36-49 and addition of new claims 50-67 renders the 112 second paragraph rejections made in the previous office action moot, the 112 first paragraph rejection remains and will be applied to currently pending claim 50 and its dependent claims 51-67. In addition, claim 50 indefinite and its dependent claims 51-67 are indefinite as claim 50 lacks definition of R1-R6 groups and hence the structural make-up of reactant triazine carbamate II and product triazine carbamate I remains unknown. Furthermore, claim 56 is indefinite as it is not clear what is intended. In addition, If the product as recited has the lowest boiling alcohol R1OH, R2OH, R3OH, the reaction of triazine carbamate II bearing highest boiling alcohol is not likely to be displaced by the lowest boiling alcohols. Hence, claim 56 raises additional 112 first paragraph issues.

Currently presented claims 50-67 are amended claims. Yet they do not address the 112 first paragraph rejection or obviate the rejection. The amended claims still raise the same 112 first paragraph issue. Furthermore, they also raise additional 112 issues.

For example, claim 50 recites, "reacting the 1,3,5-triazine carbamate of formula (II) at a temperature of 40 to 120°C with an alcohol of the formula R^3OH and, optionally, with an alcohol of the formula R^2OH and/or R^1OH to produce the 1,3,5-triazine carbamate of the formula (I) and an alcohol of the formula R^3OH and optionally an alcohol of the formula R^4OH if Y^1 is a group of formula $-(CO)-O-R^4$ and/or an alcohol of the formula R^5OH if Y^2 is a group of formula $-(CO)-O-R^5$..."

It is not clear why and how one would obtain an alcohol of R^3OH by reacting the carbamate of formula II, which bears only the radical R^6 of R^6OH .

See also claim 62, which recites separation of R^3OH by distillation.

Also note given the choice of range of alcohols in claim 50, it is not clear how one can distill off R^3-OH .

Also note R^3 can have a polymerizable group and heating to distill this alcohol is likely to result in polymerization. Furthermore, any heating of the reaction in presence of chosen catalyst can also degrade the carbamate group to isocyanate thereby permitting trimerization.

Furthermore, R^1OH , R^2OH and R^3OH are also permitted to be a C₄-alcohols such as n-butanol, sec-butanol, isobutanol and tertbutanol and the same choice of alcohols are embraced in R^4OH , R^5OH and R^6OH when they are C₄-alcohol, R , R^5 and R^6 are C₄-alkyl.

In addition claims 57-61 and 66 are improper dependent claims as they permit variation of R^3 radical or R^3-OH . Claim 50 on which claims 57-61 and 66 are dependent,

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recites specific alcohols and not a generic class of alcohols. Hence claiming a genus of generic alcohols in claims 57-61 and 66 improper and is outside the scope of claim 50.

Hence, the newly presented claims 50-66 are not entered. The rejections made in the office action, dated 05/21/2010, are maintained.

Conclusion

Any inquiry concerning this communication from the examiner should be addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (571) 272-0662. The examiner can normally be reached on Monday through Thursday from 8.00 AM to 6.00 PM. The Supervisory Patent Examiner (SPE) of the art unit 1624 is James O. Wilson, whose telephone number is 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

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/Venkataraman Balasubramanian/

Primary Examiner, Art Unit 1624

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